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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC-JSC

**PLAINTIFFS' ADMINISTRATIVE  
MOTION PURSUANT TO CIVIL LOCAL  
RULE 7-11 FOR LEAVE TO FILE  
MOTION TO STRIKE DEFENDANT  
FACEBOOK, INC.'S NOTICES OF  
APPEAL (Dkt. Nos. 778, 780, 782)**

Judge: Hon. Vince Chhabra  
Hon. Jacqueline Scott Corley  
Special Master Daniel Garrie  
Courtroom: 4, 17th Floor

Pursuant to Civil Local Rule 7-11, Plaintiffs respectfully submit this administrative motion asking the Court to grant leave to hear Plaintiffs' Motion to Strike Defendant Facebook's Defective Notices of Appeal (Dkt. Nos. 778, 780, 782) ("Motion to Strike") on shortened time. Plaintiffs were unable to secure Facebook's stipulation to the relief sought herein.

Facebook filed three Notices of Appeal of orders of Special Master Garrie ("Notices") late in the evening of December 23, 2021. *See* Declaration of Lesley E. Weaver ("Weaver Decl."), ¶ 4.

Plaintiffs' Motion to Strike argues that these Notices are facially defective and should be rejected. Specifically, Judge Chhabria's Order Appointing Special Discovery Master (Dkt. No. 709) ("Order") sets forth a limited process for appealing orders issued by the Special Master. The Order allows only for a one sentence appeal and does not provide for a response. Plaintiffs' Motion to Strike is necessary because each of Facebook's Notices violates the Order in material and significant ways. Plaintiffs bring the Motion to Strike both to correct the record and enforce the procedures implemented by Judge Chhabria.

This administrative motion to shorten time is necessary for three reasons. First, a regular briefing schedule on the motion to strike is out of step with the streamlined discovery procedures envisioned in Judge Chhabria's Special Master Order. Waiting 35 days to rule on Facebook's Notices, with a hearing date after the substantial completion of discovery, would unnecessarily delay the critical discovery ordered by the Special Master challenged in the Notices. Second, Magistrate Judge Corley may rule on Facebook's defective notices of appeal at any time. Given her broad authority to do so, and the lack of a procedural mechanism in the Order to correct the record, Plaintiffs have no choice but to seek relief now. Third, Facebook's filing of its Notices on December 23 has put Plaintiffs in the position of needing to respond. Weaver Decl., ¶ 3. Of course, the Court need not act until it elects to do so. But Plaintiffs are obligated to protect the record prior to any such ruling.

Plaintiffs have met and conferred with Facebook, and Facebook declined to stipulate to the relief sought by Plaintiffs' Motion to Strike, including amending the Notices, or that the

Motion to Strike be heard on shortened time.

For these reasons, Plaintiffs' request that the Motion to Strike be heard on shortened time.

Dated: December 27, 2021

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser  
Derek W. Loeser

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of December, 2021, at Palm Springs, California.

/s/ Lesley E. Weaver

Lesley E. Weaver

**CERTIFICATE OF SERVICE**

I, Julie Law, hereby certify that on December 27, 2021, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Julie Law

Julie Law